

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/31/2023
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :  
:  
-v.- :  
:  
MICHAEL BRENNAN, :  
:  
Defendant. :  
:  
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**FINAL ORDER OF  
FORFEITURE**

S4 08 Cr. 828 (VM)

WHEREAS, on or about January 24, 2023, this Court entered a Preliminary Order of Forfeiture as to Substitute Assets (D.E. 363) (the “Preliminary Order of Forfeiture”), which ordered the forfeiture to the United States of all right, title and interest of MICHAEL BRENNAN (the “Defendant”) in the following property:

- a) \$16,151.20 in United States currency in the possession of the United States Marshals Service, representing Social Security payments to defendant Michael Brennan (the “Defendant”) that were intercepted by the Treasury Offset Program between September 20, 2017 and June 15, 2022; and
- b) The portion of any and all future disbursements from the Government to the Defendant, including but not limited to income tax return refunds and Social Security payments, which may be intercepted by the Treasury Offset Program, up to the unpaid balance of the money judgment imposed against the Defendant on December 17, 2010;

(a. and b. collectively, the “Substitute Assets”);

WHEREAS, the Preliminary Order of Forfeiture directed the United States to publish, for at least thirty (30) consecutive days, notice of the Preliminary Order of Forfeiture, notice of the United States’ intent to dispose of the Substitute Assets, and the requirement that any person asserting a legal interest in the Substitute Assets must file a petition with the Court in accordance with the requirements of Title 21, United States Code, Sections 853(n)(2) and (3).

Pursuant to Section 853(n), the United States could, to the extent practicable, provide direct written notice to any person known to have an alleged interest in the Substitute Assets and as a substitute for published notice as to those persons so notified;

WHEREAS, the provisions of Title 21, United State Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Assets Forfeiture Actions, require publication of a notice of forfeiture and of the Government's intent to dispose of the Substitute Assets before the United States can have clear title to the Substitute Asset;

WHEREAS, the Notice of Forfeiture and the intent of the United States to dispose of the Substitute Assets was posted on an official government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) beginning on January 28, 2023, for thirty (30) consecutive days, through February 26, 2023, pursuant to Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty and Maritime Claims and Assets Forfeiture Actions and proof of such publication was filed with the Clerk of the Court on March 30, 2023 (D.E. 364);

WHEREAS, thirty (30) days have expired since final publication of the Notice of Forfeiture and no petitions or claims to contest the forfeiture of the Substitute Assets have been filed;

WHEREAS, the Defendant is the only person and/or entity known by the government to have a potential interest the Substitute Assets; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(n)(7), the United States shall have clear title to any forfeited property if no petitions for a hearing to contest the forfeiture have been filed within thirty (30) days of final publication of notice of forfeiture as set forth in Title 21, United States Code, Section 853(n)(2).

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. All right, title and interest in the Substitute Assets is hereby forfeited and vested in the United States of America, and shall be disposed of according to law.
2. Pursuant to Title 21, United States Code, Section 853(n)(7) the United States of America shall and is hereby deemed to have clear title to the Substitute Asset.
3. The Department of Treasury (or its designee) shall take possession of the Substitute Assets and dispose of the same according to law, in accordance with Title 21, United States Code, Section 853(h).

Dated: New York, New York

March 31, 2023

SO ORDERED:



Victor Marrero  
U.S.D.J.